

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AVOCENT REDMOND CORP., a Washington  
corporation,

Plaintiff,

v.

ROSE ELECTRONICS, a Texas general  
partnership; PETER MACOUREK, an  
individual; DARIOUSH "DAVID" RAHVAR,  
an individual; ATEN TECHNOLOGY INC., a  
California corporation; ATEN  
INTERNATIONAL CO., LTD., a Taiwanese  
Company; BELKIN INTERNATIONAL, INC.,  
a Delaware corporation, and BELKIN INC., a  
Delaware corporation,

Defendants.

NO. C06-1711-MJP

DECLARATION OF STEVEN  
JEHRING IN SUPPORT OF  
AVOCENT'S MOTION TO LIFT THE  
STAY AND REQUEST FOR A  
SCHEDULING CONFERENCE

I Steven Jehring declare as follows:

- I am Avocent's Senior Director, Global Business Development, OEM sales.
- In my capacity in OEM sales I am actively involved in selling Avocent KVM switch products to OEM companies and have been personally involved with sales efforts to,

DECLARATION OF STEVEN JEHRING IN SUPPORT OF  
AVOCENT'S MOTION TO LIFT THE STAY AND REQUEST FOR  
A SCHEDULING CONFERENCE – 1

(NO. C06-1711 MJP)

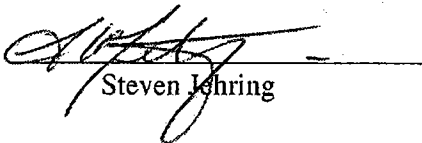
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among others, America Power Conversion ("APC") and Fujitsu.

- In my experience, the level of competition between Avocent and Aten has grown in recent years.
- I have found myself in head-to-head competition with Aten and its representatives in a number of circumstances during the past few years.
- Historically, APC has contracted with Avocent to manufacture KVM switch products for it under an OEM supply agreement. Avocent supplied KVM switch products to APC, using APC's trade dress and name, and APC re-sold those products to its own customers. APC purchased thousands of KVM switch products from Avocent every year under that agreement.
- In late 2009, APC issued an RFQ to refresh the KVM switch portfolio and asked Avocent to submit its proposal and I supervised the preparation and presentation of that proposal to APC.
- I understand from my involvement in that competition that Aten was our primary competitor for the APC RFP and I had knowledge that they were already supplying two low cost analog KVM switches and other competing products to APC.
- APC advised me in 2010 that Avocent's supply contract would not be renewed and that we had lost the APC account. I was advised by the APC Product Manager that although we had met the feature requirement they had decided to go with the low cost solution.
- I understand that APC awarded the supply contract to Aten. APC has yet to introduce the new product for me to verify that understanding.
- In 2009, a long standing Avocent Partner by the name of Fujitsu Technology Solutions (FTS) issued an RFP to refresh the KVM switch products that we had been supplying since early 2000. Specifically, Fujitsu sought to refresh its current technology and expand its supply agreement globally, including its product offerings in the United States.
- I understand from my involvement that Aten was competing against Avocent for this contract. I was also aware from my relationships that Aten was pricing substantially lower than Avocent and the other bidder FCL. Based on the competitive pressures encountered in this bid FCL was forced to withdraw and Avocent was forced to lower its bid in order to become the prevailing bidder.
- I certify that the foregoing statements are true and correct.

Date: 4/28/2011

  
Steven Jehring

DECLARATION OF STEVEN JEHRING IN SUPPORT OF  
AVOCENT'S MOTION TO LIFT THE STAY AND REQUEST FOR  
A SCHEDULING CONFERENCE - 2

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